



General Assembly

February Session, 2008

***Raised Bill No. 5640***

LCO No. 1978

\*01978\_\_\_\_\_PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD )

***AN ACT CONCERNING ZONING ENFORCEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Any municipality may, by ordinance adopted by its legislative  
4 body, establish penalties for violations of zoning regulations adopted  
5 under section 8-2 or by special act. The ordinance shall establish the  
6 types of violations for which a citation may be issued and the amount  
7 of any fine to be imposed thereby and shall specify the time period for  
8 uncontested payment of fines for any alleged violation under any such  
9 regulation. No fine imposed under the authority of this section may  
10 exceed one hundred fifty dollars for each day a violation continues.  
11 Any fine shall be payable to the treasurer of the municipality.

12 (b) The hearing procedure for any citation issued pursuant to this  
13 section shall be in accordance with section 7-152c except that no zoning  
14 enforcement officer, building inspector or employee of the municipal  
15 body exercising zoning authority may be appointed to be a hearing  
16 officer.

17 (c) Any zoning enforcement officer who issues a citation pursuant to  
 18 an ordinance adopted under this section shall be liable for [treble]  
 19 damages in any civil action if the court finds that such citation was  
 20 issued frivolously or without probable cause.

21 Sec. 2. Section 8-13a of the general statutes is repealed and the  
 22 following is substituted in lieu thereof (*Effective October 1, 2008*):

23 (a) When a building is so situated on a lot that it violates a zoning  
 24 regulation of a municipality which prescribes the location of such a  
 25 building in relation to the boundaries of the lot or when a building is  
 26 situated on a lot that violates a zoning regulation of a municipality  
 27 which prescribes the minimum area of the lot, and when such building  
 28 has been so situated for [three] five years without the institution of an  
 29 action to enforce such regulation, such building shall be deemed a  
 30 nonconforming building in relation to such boundaries or to the area  
 31 of such lot, as the case may be.

32 (b) When a use of land or building (1) is on a parcel that is fifteen or  
 33 more acres, (2) is included in industry numbers 1795, 2951, 3272 or  
 34 4953 of the Standard Industrial Classification Manual, United States  
 35 Office of Management and Budget, 1987 edition, (3) is not permitted by  
 36 the zoning regulations of a municipality, (4) has been established and  
 37 continued in reasonable reliance on the actions of the municipality,  
 38 and (5) has been in existence for twenty years prior to July 8, 1997,  
 39 without the institution of court action to enforce the regulations  
 40 regarding the use, such use shall be deemed a legally existing  
 41 nonconforming use and may be continued. Nothing in this subsection  
 42 shall be construed to exempt such use from the requirements of the  
 43 general statutes or of any other municipal ordinance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	8-12a
Sec. 2	<i>October 1, 2008</i>	8-13a

***Statement of Purpose:***

To eliminate the provision awarding treble damages against zoning enforcement officers and to increase the period after which a nonconforming use is established from three to five years.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*